UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ERIK MILLER,

INDICTMENT

Defendant.
_____/

The Grand Jury charges:

INTRODUCTORY ALLEGATIONS

At all times relevant to this Indictment:

1. Erik Miller was a resident of Sturgis, Michigan, which is located in St. Joseph County.

The Dark Web

2. The "Dark Web" was a part of the Internet that allowed individuals to hide their identities and locations from other people, including law enforcement. To access the Dark Web, a user needed specific software, configurations, and/or authorization designed especially for that purpose.

3. The Dark Web contains many "dark web markets" ("DWM") where vendors can sell items. These marketplaces functioned like conventional e-commerce websites but were geared toward the trafficking of contraband, including illegal controlled substances such as MDMA ("Ecstasy") and methamphetamine. DWMs also sold both real and counterfeit prescription drugs.

4. Vice City and ASAP were examples of DWMs.

5. Discover was a vendor that sold drugs on the Dark Web. Specifically, Discover sold MDMA ("Ecstasy"), Ketamine, Adderall®, and Xanax®.

6. Vendors that operated on the Dark Web frequently required customers to pay in cryptocurrency, such as Bitcoin, due to cryptocurrency's flexibility and the relative anonymity that it provides.

7. Once buyers placed an order and paid using the required digital currency, vendors then shipped the goods through the United States mail and by other means of delivery.

8. Vendors and buyers on the Dark Web operated under anonymous monikers. They also encrypted their communications with buyers to further conceal their activities from other people, including law enforcement.

9. In 2022 and 2023, the defendant, ERIK MILLER, worked with at least one Dark Web vendor to obtain illegal controlled substances as well as both real and counterfeit prescription drugs for distribution to customers.

10. Dread was a popular dark web forum where users could post information and exchange communications.

The Food and Drug Administration's Regulation of Drugs

11. The United States Food and Drug Administration ("FDA") was the federal agency responsible for protecting the health and safety of the American public by ensuring, among other things, that drugs were safe and effective for their intended uses and bore labeling that contained true and accurate information.

12. FDA's responsibilities included regulating the manufacture and distribution of drugs, including prescription drugs, shipped and received in interstate commerce, as well as the labeling of such drugs. FDA carried out its responsibilities by enforcing the Federal Food, Drug, and Cosmetic Act ("FDCA"), 21 U.S.C. §§ 301-399f, and other pertinent laws and regulations.

13. The FDCA defined a "drug" to include "articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man," and "articles…intended to affect the structure or any function of the body of man." 21 U.S.C. § 321(g)(1)(B) and (C).

14. Under the FDCA, a "counterfeit drug" was defined as: "a drug which . . . without authorization, bears the trademark, trade name, or other identifying mark, imprint, or device, or any likeness thereof, of a drug manufacturer, processor, packer, or distributor other than the person or persons who in fact manufactured, processed, packed, or distributed such drug and which thereby falsely purports or is represented to be the product of, or to have been packed or distributed by, such other drug manufacturer, processor, packer, or distributor." 21 U.S.C. § 321(g)(2).

15. Xanax® contained the active pharmaceutical ingredient Alprazolam, a Schedule IV controlled substance. Xanax® was an FDA-approved prescription drug indicated for the treatment of anxiety or panic disorders. Pharmacia & Upjohn, Co., a division of Pfizer, Inc., had the exclusive right to manufacture brand name Xanax® for distribution within the United States.

16. Other pharmaceutical companies, including Breckenridge Pharmaceuticals, Inc., Teva Pharmaceuticals Industries, Sandoz, and Qualitest Pharmaceuticals, Inc. (now owned by Endo Pharmaceuticals) also manufacture and sell Alprazolam under different brand names.

COUNT 1
(Conspiracy to Distribute and Possess with Intent to Distribute Controlled Substances)

The grand jury realleges and incorporates by reference the allegations made in paragraphs 1-16 above as if fully set forth herein.

Beginning on a date unknown, but at least by in or about 2022 and continuing until on or about April 14, 2023, in St. Joseph County, in the Southern Division of the Western District of Michigan, and elsewhere, the Defendant,

ERIK MILLER,

knowingly and intentionally combined, conspired, confederated, and agreed with other persons, both known and unknown to the grand jury, to distribute and possess with the intent to distribute controlled substances, including: 3,4-Methylenedioxymethamphetamine (a/k/a "MDMA" or "Ecstasy"), a Schedule I controlled substance; and Alprazolam (a/k/a "Xanax®"), a Schedule IV controlled substance.

21 U.S.C. § 846
21 U.S.C. § 841(a)(1)
21 U.S.C. § 841(b)(1)(C)
21 U.S.C. § 841(b)(2)

COUNT 2
(Possession with Intent to Distribute Controlled Substances)

The grand jury realleges and incorporates by reference the allegations made in paragraphs 1-16 above as if fully set forth herein.

On or about April 14, 2023, in St. Joseph County, in the Southern Division of the Western District of Michigan, the Defendant,

ERIK MILLER,

knowingly and intentionally possessed with the intent to distribute controlled substances, including: 3,4-Methylenedioxymethamphetamine (a/k/a "MDMA" or "Ecstasy"), a Schedule I controlled substance; a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance; and a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance.

21 U.S.C. § 841(a)(1)
21 U.S.C. § 841(b)(1)(C)

COUNT 3
(Selling, Dispensing, and Holding for Sale and Dispensing Counterfeit Drugs)

The grand jury realleges and incorporates by reference the allegations made in paragraphs 1-16 above as if fully set forth herein.

On or about April 14, 2023, in St. Joseph County, in the Southern Division of the Western District of Michigan, the Defendant,

ERIK MILLER,

knowingly, without authorization from the pharmaceutical companies listed below, sold, dispensed, and held for sale and dispensing, the following:

- Tablets bearing the markings of the FDA-approved Teva Pharmaceuticals Industries' Alprazolam 2 mg yellow tablets debossed on one side with "R039," which were not manufactured by or under the authorization of Teva Pharmaceuticals Industries; and
- Tablets bearing the markings of Qualitest Pharmaceuticals, Inc.'s (now Endo Pharmaceuticals) 2 mg white tablets debossed with "2090," which were not manufactured by or under the authorization of Qualitest Pharmaceuticals, Inc.,

thereby causing the]tablets to be counterfeit, as defined in Title 21, United States Code, Section 321(g)(2).

21 U.S.C. § 331(i)(3)
21 U.S.C. § 333(b)(8)

COUNT 4
(Felon in Possession of Firearms)

On or about April 14, 2023, in St. Joseph County, in the Southern Division of the Western District of Michigan, the Defendant,

ERIK MILLER,

knowing that he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed firearms, that is:

- A HiPoint Firearms, Model C9, 9mm pistol, bearing serial number P10028452;
- A Mossberg, Model 835 Ulti-Mag, 12-gauge shotgun, bearing serial number UM724593; and
- A Stevens, J., Arms Company (Savage Arms Inc), Model 62, .22 caliber rifle, bearing serial number L311737,

and the firearms were in and affecting commerce.

18 U.S.C. § 922(g)(1)
18 U.S.C. § 924(a)(8)
18 U.S.C. § 921(a)

A TRUE BILL

[/s/ Redacted]
GRAND JURY FOREPERSON

MARK A. TOTTEN
United States Attorney

[/s/ Redacted]
STEPHANIE M. CAROWAN
Assistant United States Attorney